IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7674 OF 2005

Mayakumar Jaising Bhagat. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. R. K. Mendadkar for the Petitioner.
Mrs. M.P. Thakur, AGP for Respondent Nos.1 to 3.
.....
CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

March 6, 2006.

P.C.

By the present Petition, the Petitioner seeks directions to Respondent Nos.3 and 4 not to cancel admission of the Petitioner in the first year of Engineering Degree Course on the ground that the Petitioner has not submitted Caste Validity Certificate within 90 days from the date of admission. It is the case of the Petitioner that on 26th April 2002, he was granted caste certificate by the Competent Authority of jurisdiction certifying that the Petitioner belongs to Mahyavanshi caste in the prescribed format. It appears that on 13th June 2005, Respondent No.2 refused to issue Caste Validity Certificate to the Petitioner on the ground that the Petitioner is migrant from the State of Gujrat to the State of

Maharashtra. The Petitioner challenged the said order by filing Writ Petition No.4276 of 2005. In the said Petition, the Petitioner obtained interim relief to the effect that the Petitioner's case be considered for admission in the first year of Engineering Degree Course. This Court by its order dated 5th August 2005, disposed of the said Writ Petition No.4276 of 2005, by allowing the petition with the directions to Respondent No.2 to issue Caste Validity Certificate within two months from the date of that order. It appears that the Respondents instead of complying with the judgment of this Court, have filed Review Petition which is pending. Since the direction issued by this Court is not complied with, the Petitioner has filed the present petition. In the affidavit in reply filed by the Respondents, a contention has been raised that the order of this Court is under challenge in the Review Petition. In our view, ends of justice will be met if the petition is disposed of by giving the following directions :

-(i) The Respondents shall pursue the Review Petition and shall have time to obtain appropriate orders within three months from today;

-(ii) In the event of the Respondents obtaining orders in their

favour, the Petitioner shall be at liberty to take out appropriate proceedings for challenging the said order;

-(iii) In the event that any adverse order is passed in the Review Petition, the Respondents shall comply with the directions issued by this Court in its order dated 5th August 2005 in Writ Petition No.4276 of 2005 within 15 days from the date of the order. On failure to do so, the Petitioner will be at liberty to agitate appropriate proceedings including proceedings under the Contempt of Courts Act;

-(iv) The interim relief granted in the present petition will be operative till the disposal of the Review Petition.

The Petition shall stand disposed of accordingly.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.